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UNITED STATES OF AMERICA

UNITED STATES DISTRICT COURT

FOR THE CENTRAL DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

ALEX SCOTT ROBERTS,

Defendant.

No. CR 22-377-FMO

GOVERNMENT'S FILING OF OUT-OF-  
DISTRICT PLEA AGREEMENT FOR  
DEFENDANT ALEX SCOTT ROBERTS

The government, by and through its attorney of record, the  
Acting United States Attorney for the Central District of California,  
hereby files the attached plea agreement between defendant ALEX SCOTT  
ROBERTS and the United States Attorney's Office for the Middle

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1 District of Georgia in the above-captioned case. This plea agreement  
2 is being filed in this district for purposes of permitting defendant  
3 to enter a guilty plea in this district pursuant to Fed. R. Crim. P.  
4 20.

5 Dated: July 7, 2022

Respectfully submitted,

6 STEPHANIE S. CHRISTENSEN  
Acting United States Attorney

7 CHRISTOPHER D. GRIGG  
8 Assistant United States Attorney  
9 Chief, National Security Division

10 /s/ Lauren Restrepo

11 LAUREN RESTREPO  
Assistant United States Attorney

12 Attorneys for Plaintiff  
13 UNITED STATES OF AMERICA  
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United States Attorney  
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Attorneys for Plaintiff  
UNITED STATES OF AMERICA

UNITED STATES DISTRICT COURT

FOR THE MIDDLE DISTRICT OF GEORGIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

ALEX SCOTT ROBERTS,

Defendant.

Case No. 3:21-CR-00040-CAR-CHW

PLEA AGREEMENT FOR DEFENDANT  
ALEX SCOTT ROBERTS

1. This constitutes the plea agreement between ALEX SCOTT ROBERTS ("defendant") and the United States Attorney's Office for the Middle District of Georgia ("the USAO") in the above-captioned case. All rights or powers of the USAO under this agreement may be exercised on behalf of the USAO by the United States Attorney's Office for the Central District of California. This agreement is limited to the USAO and cannot bind any other federal, state, local, or foreign prosecuting, enforcement, administrative, or regulatory authorities.

DEFENDANT'S OBLIGATIONS

2. Defendant agrees to:

a. At the earliest opportunity requested by the USAO and provided by the Court, appear and plead guilty to count one of the Indictment in United States v. Alex Scott Roberts, Case No. 3:21-CR-40-CAR-CHW, which charges defendant with cyberstalking, in violation of 18 U.S.C. § 2261A(2)(B).

b. At the earliest opportunity requested by the United States Attorney's Office for the Central District of California and provided by the Court, appear and plead guilty to count one of the Indictment in United States v. Alex Scott Roberts, Case No. 2:20-CR-554-AB -- charged in the Central District of California and filed on November 6, 2020, which charges defendant with a separate count of stalking, in violation of 18 U.S.C. §§ 2261A(2)(A), (B) -- pursuant to a plea agreement between defendant and the United States Attorney's Office for the Central District of California, attached hereto as Exhibit A.

c. Pursuant to Federal Rule of Criminal Procedure 20(a), agree to a transfer of the above-captioned case to the Central District of California for change of plea and sentencing.

d. Not contest facts agreed to in this agreement.

e. Abide by all agreements regarding sentencing contained in this agreement.

f. Appear for all court appearances, surrender as ordered for service of sentence, obey all conditions of any bond, and obey any other ongoing court order in this matter.

1 g. Not commit any crime; however, offenses that would be  
2 excluded for sentencing purposes under United States Sentencing  
3 Guidelines ("U.S.S.G." or "Sentencing Guidelines") § 4A1.2(c) are not  
4 within the scope of this agreement.

5 h. Be truthful at all times with the United States  
6 Probation and Pretrial Services Office and the Court.

7 i. Pay the applicable special assessment at or before the  
8 time of sentencing unless defendant has demonstrated a lack of  
9 ability to pay such assessment.

10 THE USAO'S OBLIGATIONS

11 3. The USAO agrees to:

12 a. Not contest facts agreed to in this agreement.

13 b. Abide by all agreements regarding sentencing contained  
14 in this agreement.

15 c. At the time of sentencing, move to dismiss the  
16 remaining count of the indictment as against defendant. Defendant  
17 agrees, however, that at the time of sentencing the Court may  
18 consider any dismissed charges in determining the applicable  
19 Sentencing Guidelines range, the propriety and extent of any  
20 departure from that range, and the sentence to be imposed.

21 d. At the time of sentencing, provided that defendant  
22 demonstrates an acceptance of responsibility for the offense up to  
23 and including the time of sentencing, recommend a two-level reduction  
24 in the applicable Sentencing Guidelines offense level, pursuant to  
25 U.S.S.G. § 3E1.1, and recommend and, if necessary, move for an  
26 additional one-level reduction if available under that section.

1 e. That the Government will accept the plea of guilty by  
2 Defendant in full satisfaction of all possible federal criminal  
3 charges in the Middle District of Georgia, known to the United States  
4 Attorney at the time of Defendant's guilty plea.

5 NATURE OF THE OFFENSE

6 4. Defendant understands that for defendant to be guilty of  
7 the crime charged in count one, that is, cyberstalking, in violation  
8 of 18 U.S.C. § 2261A(2)(B), the following must be true: (1)  
9 defendant, with the intent to harass or intimidate another person;  
10 (2) used the mail, an interactive computer service or electronic  
11 communication service or electronic communication system of  
12 interstate commerce, or any other facility of interstate or foreign  
13 commerce; (3) to engage in a course of conduct that caused, attempted  
14 to cause, or would reasonably be expected to cause, substantial  
15 emotional distress to that person, or an immediate family member of  
16 that person.

17 PENALTIES

18 5. Defendant understands that the statutory maximum sentence  
19 that the Court can impose for a violation of Title 18, United States  
20 Code, Sections 2261A(2)(B) is: 5 years' imprisonment; a 3-year period  
21 of supervised release; a fine of \$250,000; and a mandatory special  
22 assessment of \$100.

23 6. Defendant understands that supervised release is a period  
24 of time following imprisonment during which defendant will be subject  
25 to various restrictions and requirements. Defendant understands that  
26 if defendant violates one or more of the conditions of any supervised  
27 release imposed, defendant may be returned to prison for all or part  
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1 of the term of supervised release authorized by statute for the  
2 offense that resulted in the term of supervised release, which could  
3 result in defendant serving a total term of imprisonment greater than  
4 the statutory maximum stated above.

5 7. Defendant understands that, by pleading guilty, defendant  
6 may be giving up valuable government benefits and valuable civic  
7 rights, such as the right to vote, the right to possess a firearm,  
8 the right to hold office, and the right to serve on a jury.  
9 Defendant understands that he is pleading guilty to a felony and that  
10 it is a federal crime for a convicted felon to possess a firearm or  
11 ammunition. Defendant understands that the conviction in this case  
12 may also subject defendant to various other collateral consequences,  
13 including but not limited to revocation of probation, parole, or  
14 supervised release in another case and suspension or revocation of a  
15 professional license. Defendant understands that unanticipated  
16 collateral consequences will not serve as grounds to withdraw  
17 defendant's guilty plea.

18 8. Defendant understands that, if defendant is not a United  
19 States citizen, the felony conviction in this case may subject  
20 defendant to: removal, also known as deportation, which may, under  
21 some circumstances, be mandatory; denial of citizenship; and denial  
22 of admission to the United States in the future. The Court cannot,  
23 and defendant's attorney also may not be able to, advise defendant  
24 fully regarding the immigration consequences of the felony conviction  
25 in this case. Defendant understands that unexpected immigration  
26 consequences will not serve as grounds to withdraw defendant's guilty  
27 plea.

1 FACTUAL BASIS

2 9. Defendant admits that defendant is, in fact, guilty of the  
3 offense to which defendant is agreeing to plead guilty. Defendant  
4 and the USAO agree to the statement of facts provided below and agree  
5 that this statement of facts is sufficient to support a plea of  
6 guilty to the charges described in this agreement and to establish  
7 the Sentencing Guidelines factors set forth in paragraph 11 below but  
8 is not meant to be a complete recitation of all facts relevant to the  
9 underlying criminal conduct or all facts known to either party that  
10 relate to that conduct.

11 Beginning on or about June 10, 2020, in the Middle District of  
12 Georgia, and elsewhere, defendant, with the intent to harass and  
13 intimidate Minor 1, used an interactive computer service, an  
14 electronic communication service, an electronic communication system  
15 of interstate commerce, and other facilities of interstate and  
16 foreign commerce to engage in a course of conduct that caused,  
17 attempted to cause, and would reasonably be expected to cause  
18 substantial emotional distress to Minor 1.

19 Specifically, beginning on June 10, 2020, defendant sent a  
20 series of threatening and harassing messages to a 15-year-old girl,  
21 Minor 1, who was in the Middle District of Georgia. In the messages,  
22 defendant claimed to possess nude images of Minor 1 and threatened to  
23 send the images to Minor 1's parents as "payback" if Minor 1 did not  
24 send defendant additional nude images. Defendant sent harassing and  
25 threatening messages to Minor 1 via both text message and Instagram.  
26 In response to defendant's threats to send nude images of Minor 1 to  
27 her family, Minor 1 sent defendant "selfie" photographs of herself.  
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Defendant responded by continuing to send Minor 1 harassing messages, including several messages containing edited versions of the "selfie" photographs Minor 1 had sent to defendant in response to his threats.

Defendant admits that he sent the threatening and harassing messages to Minor 1 via text message and Instagram as described in the Indictment. Defendant admits that he sent the messages to Minor 1 with the intent to harass and intimidate Minor 1 and knowing that they would cause substantial emotional distress to Minor 1.

#### SENTENCING FACTORS

10. Defendant understands that in determining defendant's sentence the Court is required to calculate the applicable Sentencing Guidelines range and to consider that range, possible departures under the Sentencing Guidelines, and the other sentencing factors set forth in 18 U.S.C. § 3553(a). Defendant understands that the Sentencing Guidelines are advisory only, that defendant cannot have any expectation of receiving a sentence within the calculated Sentencing Guidelines range, and that after considering the Sentencing Guidelines and the other § 3553(a) factors, the Court will be free to exercise its discretion to impose any sentence it finds appropriate up to the maximum set by statute for the crime of conviction.

11. Defendant and the USAO agree to the following applicable Sentencing Guidelines factors:

Base Offense Level	18	USSG § 2A6.2(a)
Pattern of Harassment/Stalking	+2	USSG § 2A6.2(b)(1)(E)

1 Defendant and the USAO reserve the right to argue that additional  
2 specific offense characteristics, adjustments, and departures under  
3 the Sentencing Guidelines are appropriate.

4 12. Defendant understands that there is no agreement as to  
5 defendant's criminal history or criminal history category.

6 13. Defendant and the USAO reserve the right to argue for a  
7 sentence outside the sentencing range established by the Sentencing  
8 Guidelines based on the factors set forth in 18 U.S.C. § 3553(a)(1),  
9 (a)(2), (a)(3), (a)(6), and (a)(7).

10 WAIVER OF CONSTITUTIONAL RIGHTS

11 14. Defendant understands that by pleading guilty, defendant  
12 gives up the following rights:

13 a. The right to persist in a plea of not guilty.

14 b. The right to a speedy and public trial by jury.

15 c. The right to be represented by counsel - and if  
16 necessary have the Court appoint counsel -- at trial. Defendant  
17 understands, however, that, defendant retains the right to be  
18 represented by counsel - and if necessary have the Court appoint  
19 counsel - at every other stage of the proceeding.

20 d. The right to be presumed innocent and to have the  
21 burden of proof placed on the government to prove defendant guilty  
22 beyond a reasonable doubt.

23 e. The right to confront and cross-examine witnesses  
24 against defendant.

25 f. The right to testify and to present evidence in  
26 opposition to the charges, including the right to compel the  
27 attendance of witnesses to testify.

1           g. The right not to be compelled to testify, and, if  
2 defendant chose not to testify or present evidence, to have that  
3 choice not be used against defendant.

4           h. Any and all rights to pursue any affirmative defenses,  
5 Fourth Amendment or Fifth Amendment claims, and other pretrial  
6 motions that have been filed or could be filed.

7                           WAIVER OF RETURN OF DIGITAL DATA

8           15. Understanding that the government has in its possession  
9 digital devices and/or digital media seized from defendant, defendant  
10 waives any right to the return of digital data contained on those  
11 digital devices and/or digital media and agrees that if any of these  
12 digital devices and/or digital media are returned to defendant, the  
13 government may delete all digital data from those digital devices  
14 and/or digital media before they are returned to defendant.

15                           WAIVER OF APPEAL OF CONVICTION

16           16. Defendant understands that, with the exception of an appeal  
17 based on a claim that defendant's guilty plea was involuntary, by  
18 pleading guilty defendant is waiving and giving up any right to  
19 appeal defendant's conviction on the offense to which defendant is  
20 pleading guilty. Defendant understands that this waiver includes,  
21 but is not limited to, arguments that the statute to which defendant  
22 is pleading guilty is unconstitutional, and any and all claims that  
23 the statement of facts provided herein is insufficient to support  
24 defendant's plea of guilty.

25                           WAIVER OF APPEAL OF SENTENCE AND COLLATERAL ATTACK

26           17. Defendant gives up the right to appeal all of the  
27 following: (a) the procedures and calculations used to determine and  
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1 impose any portion of the sentence; (b) the term of imprisonment  
2 imposed by the Court, provided it is no more than the high end of the  
3 Sentencing Guidelines range calculated by the Court; (c) the fine  
4 imposed by the Court, provided it is within the statutory maximum;  
5 (d) to the extent permitted by law, the constitutionality or legality  
6 of defendant's sentence, provided it is within the statutory maximum;  
7 (e) the term of probation or supervised release imposed by the Court,  
8 provided it is within the statutory maximum; and (f) any of the  
9 following conditions of probation or supervised release imposed by  
10 the Court: the conditions set forth in Second Amended General Order  
11 20-04 of this Court; the drug testing conditions mandated by 18  
12 U.S.C. §§ 3563(a)(5) and 3583(d); and the alcohol and drug use  
13 conditions authorized by 18 U.S.C. § 3563(b)(7).

14 18. Defendant also gives up any right to bring a post-  
15 conviction collateral attack on the conviction or sentence, except a  
16 post-conviction collateral attack based on a claim of ineffective  
17 assistance of counsel, a claim of newly discovered evidence, or an  
18 explicitly retroactive change in the applicable Sentencing  
19 Guidelines, sentencing statutes, or statutes of conviction.  
20 Defendant understands that this waiver includes, but is not limited  
21 to, arguments that the statute to which defendant is pleading guilty  
22 is unconstitutional, and any and all claims that the statement of  
23 facts provided herein is insufficient to support defendant's plea of  
24 guilty.

25 19. The USAO agrees that, provided (a) all portions of the  
26 sentence are at or below the statutory maximum specified above and  
27 (b) the Court imposes a term of imprisonment within or above the  
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1 range corresponding to an offense level of 17 and the criminal  
2 history category calculated by the Court, the USAO gives up its right  
3 to appeal any portion of the sentence.

4 RESULT OF WITHDRAWAL OF GUILTY PLEA

5 20. Defendant agrees that if, after entering a guilty plea  
6 pursuant to this agreement, defendant seeks to withdraw and succeeds  
7 in withdrawing defendant's guilty plea on any basis other than a  
8 claim and finding that entry into this plea agreement was  
9 involuntary, then (a) the USAO will be relieved of all of its  
10 obligations under this agreement; and (b) should the USAO choose to  
11 pursue any charge that was either dismissed or not filed as a result  
12 of this agreement, then (i) any applicable statute of limitations  
13 will be tolled between the date of defendant's signing of this  
14 agreement and the filing commencing any such action; and  
15 (ii) defendant waives and gives up all defenses based on the statute  
16 of limitations, any claim of pre-indictment delay, or any speedy  
17 trial claim with respect to any such action, except to the extent  
18 that such defenses existed as of the date of defendant's signing this  
19 agreement.

20 RESULT OF VACATUR, REVERSAL OR SET-ASIDE

21 21. Defendant agrees that if the count of conviction is  
22 vacated, reversed, or set aside, both the USAO and defendant will be  
23 released from all their obligations under this agreement.

24 EFFECTIVE DATE OF AGREEMENT

25 22. This agreement is effective upon signature and execution of  
26 all required certifications by defendant, defendant's counsel, and an  
27 Assistant United States Attorney.

BREACH OF AGREEMENT

23. Defendant agrees that if defendant, at any time after the signature of this agreement and execution of all required certifications by defendant, defendant's counsel, and an Assistant United States Attorney, knowingly violates or fails to perform any of defendant's obligations under this agreement ("a breach"), the USAO may declare this agreement breached. All of defendant's obligations are material, a single breach of this agreement is sufficient for the USAO to declare a breach, and defendant shall not be deemed to have cured a breach without the express agreement of the USAO in writing. If the USAO declares this agreement breached, and the Court finds such a breach to have occurred, then: (a) if defendant has previously entered a guilty plea pursuant to this agreement, defendant will not be able to withdraw the guilty plea, and (b) the USAO will be relieved of all its obligations under this agreement.

24. Following the Court's finding of a knowing breach of this agreement by defendant, should the USAO choose to pursue any charge that was either dismissed or not filed as a result of this agreement, then:

a. Defendant agrees that any applicable statute of limitations is tolled between the date of defendant's signing of this agreement and the filing commencing any such action.

b. Defendant waives and gives up all defenses based on the statute of limitations, any claim of pre-indictment delay, or any speedy trial claim with respect to any such action, except to the extent that such defenses existed as of the date of defendant's signing this agreement.

1 c. Defendant agrees that: (i) any statements made by  
2 defendant, under oath, at the guilty plea hearing (if such a hearing  
3 occurred prior to the breach); (ii) the agreed to factual basis  
4 statement in this agreement; and (iii) any evidence derived from such  
5 statements, shall be admissible against defendant in any such action  
6 against defendant, and defendant waives and gives up any claim under  
7 the United States Constitution, any statute, Rule 410 of the Federal  
8 Rules of Evidence, Rule 11(f) of the Federal Rules of Criminal  
9 Procedure, or any other federal rule, that the statements or any  
10 evidence derived from the statements should be suppressed or are  
11 inadmissible.

12 COURT AND UNITED STATES PROBATION AND PRETRIAL SERVICES

13 OFFICE NOT PARTIES

14 25. Defendant understands that the Court and the United States  
15 Probation and Pretrial Services Office are not parties to this  
16 agreement and need not accept any of the USAO's sentencing  
17 recommendations or the parties' agreements to facts or sentencing  
18 factors.

19 26. Defendant understands that both defendant and the USAO are  
20 free to: (a) supplement the facts by supplying relevant information  
21 to the United States Probation and Pretrial Services Office and the  
22 Court, (b) correct any and all factual misstatements relating to the  
23 Court's Sentencing Guidelines calculations and determination of  
24 sentence, and (c) argue on appeal and collateral review that the  
25 Court's Sentencing Guidelines calculations and the sentence it  
26 chooses to impose are not error, although each party agrees to  
27 maintain its view that the calculations in paragraph 11 are  
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1 consistent with the facts of this case. While this paragraph permits  
2 both the USAO and defendant to submit full and complete factual  
3 information to the United States Probation and Pretrial Services  
4 Office and the Court, even if that factual information may be viewed  
5 as inconsistent with the facts agreed to in this agreement, this  
6 paragraph does not affect defendant's and the USAO's obligations not  
7 to contest the facts agreed to in this agreement.

8       27. Defendant understands that even if the Court ignores any  
9 sentencing recommendation, finds facts or reaches conclusions  
10 different from those agreed to, and/or imposes any sentence up to the  
11 maximum established by statute, defendant cannot, for that reason,  
12 withdraw defendant's guilty plea, and defendant will remain bound to  
13 fulfill all defendant's obligations under this agreement. Defendant  
14 understands that no one -- not the prosecutor, defendant's attorney,  
15 or the Court -- can make a binding prediction or promise regarding  
16 the sentence defendant will receive, except that it will be at or  
17 below the statutory maximum.

18                   NO ADDITIONAL AGREEMENTS

19       28. Defendant understands that, except as set forth herein,  
20 there are no promises, understandings, or agreements between the USAO  
21 and defendant or defendant's attorney, and that no additional  
22 promise, understanding, or agreement may be entered into unless in a  
23 writing signed by all parties or on the record in court.

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PLEA AGREEMENT PART OF THE GUILTY PLEA HEARING

29. The parties agree that this agreement will be considered part of the record of defendant's guilty plea hearing as if the entire agreement had been read into the record of the proceeding.  
AGREED AND ACCEPTED

UNITED STATES ATTORNEY'S OFFICE  
FOR THE MIDDLE DISTRICT OF GEORGIA

PETER D. LEARY  
United States Attorney

Digitally signed by CYNEETHA  
BOOKER  
Date: 2022.07.21 20:36:09 -04'00'

*C. Shanelle Booker*

C. SHANELLE BOOKER  
Assistant United States Attorney

July 21, 2022

Date

*Alex Scott Roberts*  
ALEX SCOTT ROBERTS  
Defendant

6/27/2022  
Date

*Catherine M. Williams*  
CATHERINE M. WILLIAMS  
Attorney for Defendant ALEX SCOTT  
ROBERTS

July 7, 2022

Date

CERTIFICATION OF DEFENDANT

I have read this agreement in its entirety. I have had enough time to review and consider this agreement, and I have carefully and thoroughly discussed every part of it with my attorney. I understand the terms of this agreement, and I voluntarily agree to those terms. I have discussed the evidence with my attorney, and my attorney has advised me of my rights, of possible pretrial motions that might be filed, of possible defenses that might be asserted either prior to or at trial, of the sentencing factors set forth in 18 U.S.C. § 3553(a), of relevant Sentencing Guidelines provisions, and of the consequences of entering into this agreement. No promises, inducements, or representations of any kind have been made to me other than those contained in this agreement. No one has threatened or forced me in any way to enter into this agreement. I am satisfied with the representation of my attorney in this matter, and I am pleading guilty because I am guilty of the charge and wish to take advantage of the promises set forth in this agreement, and not for any other reason.

  
\_\_\_\_\_  
ALEX SCOTT ROBERTS  
Defendant

  
\_\_\_\_\_  
Date

CERTIFICATION OF DEFENDANT'S ATTORNEY

I am ALEX SCOTT ROBERTS's attorney. I have carefully and thoroughly discussed every part of this agreement with my client. Further, I have fully advised my client of his rights, of possible pretrial motions that might be filed, of possible defenses that might

1 be asserted either prior to or at trial, of the sentencing factors  
2 set forth in 18 U.S.C. § 3553(a), of relevant Sentencing Guidelines  
3 provisions, and of the consequences of entering into this agreement.  
4 To my knowledge: no promises, inducements, or representations of any  
5 kind have been made to my client other than those contained in this  
6 agreement; no one has threatened or forced my client in any way to  
7 enter into this agreement; my client's decision to enter into this  
8 agreement is an informed and voluntary one; and the factual basis set  
9 forth in this agreement is sufficient to support my client's entry of  
10 a guilty plea pursuant to this agreement.

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12 CATHERINE M. WILLIAMS  
13 Attorney for Defendant ALEX SCOTT  
14 ROBERTS  
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July 7, 2022

Date